

Assembly Bill No. 2593

Passed the Assembly August 31, 2006

Chief Clerk of the Assembly

Passed the Senate August 30, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 512.7 to the Labor Code, relating to compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2593, Keene. Compensation: meal periods: transportation industry.

Existing law prohibits an employer from requiring an employee to work during any meal or rest period mandated by an order of the Industrial Welfare Commission and establishes penalties for an employer's failure to provide a mandated meal or rest period.

This bill would permit parties in the transportation industry to establish by a collective bargaining agreement an off-duty meal period and an on-duty meal period, if the agreement also provides for a premium rate for overtime hours and a specified regular hourly rate.

This bill would provide that it does not affect the requirements for meal periods for employees other than commercial drivers in the transportation industry subject to a collective bargaining agreement.

The people of the State of California do enact as follows:

SECTION 1. Section 512.7 is added to the Labor Code, to read:

512.7. (a) In the transportation industry, the parties to a valid collective bargaining agreement covering commercial drivers may establish, by the express terms of that agreement, the following:

(1) An off-duty meal period that commences after no more than six hours of work.

(2) The circumstances under which commercial drivers may qualify for an on-duty meal period.

(b) Except as to terms that the parties establish pursuant to subdivision (a), employers in the transportation industry shall provide off-duty and on-duty meal periods in accordance with

Section 512 and the applicable provisions of Wage Order 9 of the Industrial Welfare Commission.

(c) The provisions of this section apply only if the collective bargaining agreement covering commercial drivers provides for premium wage rates for all overtime hours worked and a regular hourly rate of pay for commercial drivers of not less than 30 percent more than the state minimum wage.

SEC. 2. Notwithstanding any other provision of law, Section 512.7 of the Labor Code shall not be construed to affect the interpretation of the nature or scope of the law related to meal periods, including, but not limited to, the timing of commencement of a meal period, other than for employees or employers specifically covered by Section 512.7.

Approved _____, 2006

Governor